

THURSDAY, APRIL 27, 1978

EIGHTY-SEVENTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Marvin Fleming of Davidson County.

Representative Fleming led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 93

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 93.

The Speaker announced that Representative Moore was excused because of previous commitment.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, April 27, 1978: House Bills Nos. 1838, 2582, 2602, 2604, 2613 and 2624.

LANIER, Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 2133 and 2394; also, House Joint Resolutions Nos. 327 and 567; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1702 — To amend Title 39, Chapter 24, Code.

The Speaker appointed a Conference Committee composed of Senators Ashe, Ortwein and O'Brien to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1702.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

538 — Relative to honoring Buck Van Huss;

541 — Relative to commemorating service of the late W. C. McHorris, Kingsport;

548 — Relative to honoring radio station WIVK, Knoxville;

550 — Relative to honoring Coach Cornelius Ridley;

554 — Relative to congratulating "The Vols", Inskip-Norwood Recreation Commission;

564 — Relative to paying tribute, TSU Tigerbelles;

570 — Relative to commending Frontiers International;

585 — Relative to adjournment sine die, Ninetieth General Assembly;

592 — Relative to congratulating Dr. L. Quentin Lane; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2549 — To amend Charter, Martin;

2597 — To amend Chapter 163, Private Acts, 1971;

2600 — To amend Chapter 584, Private Acts, 1951;

2609 — To prohibit sale of alcoholic beverages in county parks, certain counties;

2610 — To amend Chapter 211, Private Acts, 1976;

2612 — To amend Chapter 20, Private Acts, 1955;

2619 — To repeal Chapter 49, Private Acts, 1977;

2620 — To amend Chapter 60, Private Acts, 1965;

2623 — To amend Charter, Grand Junction; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1299 — To amend Section 59-1108, Code.

The Speaker appointed a Conference Committee composed of Senators Hamilton, Ashe and Hicks to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1299.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2097 — To amend Sections 2-214, 2-215 and 2-216, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2184 — To amend Section 54-211, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

2549 — To regulate certain elections, Rhea County;

2563 — To regulate elections, Rhea County; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 2133 and 2394; and House Joint Resolutions Nos. 327 and 567; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Mr. Richards moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 582 out of order, which motion prevailed.

House Joint Resolution No. 582 — Relative to honoring Representative Tom Jensen — By Richards, Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Richards, the resolution was adopted.

A motion to reconsider was tabled.

REMARKS BY MR. JENSEN

MR. SPEAKER:

I perhaps shall never pass this way again. I, therefore, hope that you will allow me a few minutes on this occasion to reminisce a little.

This House has changed substantially since I arrived here 12 years ago as a wide-eyed freshman.

The furnishings are better.

The roll call equipment is more efficient.

Bills are smaller.

Rules are modernized.

The sound system is worse, I think.

Yet, you are the same.

As the Lieutenant Governor says often in his speeches, "You are all winners." You each are one citizen in 40,000 who has decided to live in a glass house; to create conflicts and disruptions for yourself and your family in order to be a "citizen" legislator.

You have walked miles, talked hours and expended your energies in order to serve as members of a body that is often misunderstood and seldom appreciated by those same citizens who have sent you here. Ironically, many of those same citizens who have approved of you often seem to loathe this institution to which you devote your energies.

Since 1967 I have participated with you in changing our image and some of our procedures. Our committee system has improved dramatically (with the exception, of course, of the Committee on Calendar and Rules, and you know how I feel about that!) Today we have a printed daily journal which makes information on our actions quickly available. In short, our Rules of Procedure are more efficient and our capacity to make decisions is better.

In 1971 a national organization, The Citizens' Conference on State Legislatures, conducted an extensive nationwide study and found the quality of our legislative process to be 26th in the nation and second only to Florida among southeastern states. Following that study, our House leadership visited the Florida House and chose some of their procedures to incorporate into our rules, while we cast aside others as unneeded in Tennessee. I am pleased to note that most of the deficiencies cited in the CCSL study have been corrected by bipartisan efforts to improve the way we make laws in this House. So our process is better. Some critics would say "So what?" No institution is better than its mission. How important is ours?

In 1966 when I told a friend that I was running for the state legislature, his response was "Gee, Tom, isn't that job sort of a vacuum?" A vacuum indeed! No public official has more to do with the daily lives of every Tennessean than do we! Into this foment we pour hundreds of divergent ideas and schemes, from which we distill out those that become laws of Tennessee. By this method we decide upon the very existence of local governments, the scope of state programs and the extent of the application of federal programs in this state.

This same legislature that decides to require a license for a popcorn stand also can license a nuclear power plant. We exact the taxes, provide care for the old and the poor, educate the young, license most of the professions and institutions, set the policies by which we live and defend our citizens from a sometimes faceless and thoughtless bureaucracy.

Early in my legislative career, I found that new federal laws were steadily eroding the authority of state legislatures. This move away from state responsibility is a constant challenge to each of us today. In 1969, I went to Washington, D. C., as Chairman of your Joint Committee on State/Federal Relations and found that legislators from other states were converging there

to deal with the United States Congress' and federal agencies' intervention in state issues. I joined in that effort and in the ensuing years worked toward the creation of the National Conference of State Legislatures and served as its second President. As an NCSL officer, I have spoken before one-third of the state legislatures from New York to California. My purpose has been to build a stronger state legislative process.

Today it is a pleasure to report that state legislators testify before congressional committees regularly on issues involving state government. On one such occasion in 1971 Rep. Ed Williams and I appeared before the U.S. House Committee on Public Works, where we challenged a provision of the National Water Quality Control Act already passed by the U.S. Senate. As a result of our testimony, the House reversed the Senate position, thereby saving Tennessee taxpayers ten million dollars during that year alone. I cite this action to demonstrate the importance of joint efforts of state legislators in our nation's capitol.

In Tennessee, I have endeavored to serve well the citizens of the 17th district, while never losing sight of the fact that I serve also a larger constituency . . . for you and I are state officials with statewide responsibilities. In attempting to meet this dual responsibility, I have introduced 644 general bills. Of these, 326 have passed this house and 301 have become law. It is interesting to note that I have served with 267 members of the House. Of this number only 64 were defeated by the citizens of their districts!

I feel great satisfaction and pride of accomplishment but I also feel the need to allow another to come in my stead, to experience the wonder . . . yes, to feel the power of this place . . . and to know your love, to sit where I have sat, to walk where I have walked and to run where I have run and to know you who are boisterous, light hearted but caring vagabonds of our government! Teddy Roosevelt must have been thinking of people just like you when he said:

"It is not the critic who counts, not the man who points out how a strong man stumbled, or what the doer of deeds might have done better, the credit belongs to the man who is actually in the arena; whose face is marked by dust and sweat and blood; who strives valiantly; who errs and comes up short again and again; who knows the great enthusiasm, the great devotion, and spends himself in worthy cause; who at the best in the end knows the triumph of high achievement and who at the worst if he fails, at least fails while daring greatly so that his place shall never be with those cold and timid souls who know neither victory or defeat."

You, my dear friends, are in the arena!

May the God who has ordained that we govern ourselves bless each of you.

Mr. Hillis moved that the rules be suspended for the immediate consideration of House Bill No. 2582, which motion prevailed.

House Bill No. 2582 — To amend sales and use taxes, nurserymen and farmers.

Mr. Hillis moved that House Bill No. 2582 be passed on third and final reading.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2582 by inserting the following two sections after Section 4, renumbering subsequent sections accordingly:

Section . This act shall apply to all sales made after January 1, 1975. It is the intent of the General Assembly by this section to reaffirm and clarify our previous declarations that nursery stocks are and have been agricultural and farm products, that such products are, like other agricultural products, grown from the soil, and accordingly that nurserymen are and have always been farmers, all for purposes of the tax referred to in this act.

Section . This act shall likewise, and for reasons set forth in the preceding section, apply to sales made after the effective date of this act.

Mr. Brewer moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following new section:

Provided, however, the State of Tennessee shall not be required to refund any taxes not paid under protest prior to the passage of this act.

Mr. Murphy (Davidson) moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes.....	31
Noes.....	50
Present and not voting	1

Representatives voting aye were: Ashford, Bewley, Burleson, Burnett (Sumner), Bussart, Butler, Cawood, Chiles, Clark, Cobb, Davis, Fleming, Ford (Cocke), Fuqua, Hall, Henry, Johnson, Lashlee, Longley, McAfee, Murphy (Davidson), Ozment, Richards, Richardson, Scruggs, Smith, Spence, Stallings, Turner, Williams and Wolfe — 31.

Representatives voting no were: Atchley, Bell, Blackburn, Bragg, Brewer, Buck, Burks, Burnett (Fentress), Byrd, Carter, Copeland, Darnell, Davidson (Robertson), DeBerry, DePriest, Dixon, Ellis, Fisher, Ford (Shelby), Gill, Hood, Hurley, King, Lanier, Ledford, Love, McKinney, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Shockley, Stafford, Steinhauer, Tanner, Watson, Withers, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 50.

Representative present and not voting was: Wallace — 1.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 2582, as amended, passed its third and final reading by the following vote:

Ayes.....	86
Noes.....	1
Present and not voting	2

Representatives voting aye were: Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Miller, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 86.

Representative voting no was: McKinney — 1.

Representatives present and not voting were: Bussart and Murphy (Davidson) — 2.

A motion to reconsider was tabled.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2582; and House Joint Resolution No. 582; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2608 — To amend Chapter 568, Private Acts, 1939;

2616 — To make certain provisions, county judge, Clay County;

2617 — To make certain provisions, county judge, Pickett County;

2618 — To make certain provisions, county judge, Scott County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

558 — Relative to memory, Dr. Charles E. Trotter, Jr.

559 — Relative to honoring memory, W. Lipscomb Davis;

560 — Relative to honoring R. Lynn Seeber;

562 — Relative to honoring Wilma Rudolph Eldridge;

563 — Relative to paying tribute, Ed Temple;

565 — Relative to legislative intent, committee amendment 1, to House Bill 2338;

566 — Relative to honoring Ray Mears;

568 — Relative to commending Cliff Wettig;

569 — Relative to honoring Aubrey J. Wagner;

590 — Relative to naming bridge in honor of E. E. "Pluck" Miller; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

2558 — To amend Chapter 906, Public Acts 1978;

2561 — To amend Chapter 816, Public Acts 1978; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2528 — To amend Section 16-254, Code;

2582 — To amend Sections 67-3002, 67-3011 and 67-3012, Code;

2611 — To amend Chapter 743, Public Acts, 1978; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2601 — To amend Chapter 846, Public Acts 1978;

2614 — To amend Section 2-207, Code; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

284 — Relative to expressing appreciation, R. Lynn Seeber;

285 — Relative to commending Dr. Sam H. Ingram;

286 — Relative to honoring Aubrey J. Wagner; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

389 — Relative to special committee, Tennessee Code Annotated;

556 — Relative to memory, Hugh C. Standridge;

561 — Relative to memory, Edward Percy Loomis;

583 — Relative to honoring Dr. Carl A. Dent; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 2578 — To implement amendments to Constitution pertaining to county officials.

On motion, House Bill No. 2578 was made to conform with Senate Bill No. 2529.

On motion, Senate Bill No. 2529, on same subject, was substituted for House Bill No. 2578.

Mr. Johnson moved that Senate Bill No. 2529 be passed on third and final reading.

Mr. Ashford moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2529 by inserting the following sentence at the end of subsection (a) of the amendatory language of Section 16:

The county executive may be otherwise appropriately entitled by private act or by action of the county legislative body.

On motion, the amendment was adopted.

Mr. Darnell moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2529 by deleting the last sentence in Section 8 and substituting therefor the following:

“the members of the county legislative body shall be known individually as county commissioners and collectively as the Board of County Commissioners.”

Mr. Johnson moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes.....	27
Noes.....	43
Present and not voting	3

Representatives voting aye were: Atchley, Bell, Bewley, Burks, Burleson, Bussart, Davidson (Wayne), Davis, Dixon, Fisher, Gill, Hall, Henry, Lashlee, Ledford, Murray (Franklin), Murray (Madison), Phillips, Rhinehart, Richards, Richardson, Scruggs, Starnes, Watson, Webb, Wolfe and Wood — 27.

Representatives voting no were: Ashford, Bissell, Blackburn, Burnett (Sumner), Butler, Byrd, Carter, Cawood, Clark, Copeland, Darnell, Davidson (Robertson), DeBerry, Elkins, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Hillis, Hood, Hurley, Kernell, King, Lanier, McAfee, McKinney, Naifeh, Nolan, Ozment, Pickering, Pruitt, Robertson, Robinson (Hamilton), Shockley, Spence, Stallings, Steinhauer, Tanner, Wallace, Williams, Withers, Yelton and Young — 43.

Representatives present and not voting were: Bragg, Burnett (Fentress) and Miller — 3.

Thereupon, on motion, Amendment No. 2 was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 2529 by inserting at the end of the first paragraph of the amendatory language of Section 8 the following sentence:

The county legislative body shall have discretionary authority to determine whether each office in multi-member districts will be separately designated on the ballot with candidates required to run and to be elected on the basis of such separately designated offices within the district.

AND FURTHER AMEND, by inserting at the end of the amendatory language of Section 38 (a) (3) the following sentence:

In multi-member districts in which the county legislative body has determined that each office in the district will be separately designated on the ballot with candidates required to run and to be elected on the basis of such separately designated offices within the district, such petition shall designate the office for which election is sought.

Mr. McKinney moved that under Rule No. 73, the House recess for lunch.

Mr. Stafford moved that Rule No. 73 be suspended, which motion failed by the following vote:

Ayes.....	51
Noes.....	28
Present and not voting	4

Representatives voting aye were: Atchley, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Butler, Byrd, Carter, Cawood, Copeland, DeBerry, Dixon, Fisher, Ford (Cocke), Ford (Shelby), Gill, Hall, Henry, Hillis, Hood, Hurley, Jensen, Kernell, Lanier, Ledford, McAfee, Miller, Murray (Madison), Naifeh, Nolan, Phillips, Rhinehart, Richards, Robertson, Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Tanner, Webb, Williams, Withers, Wolfe, Wood and Yelton — 51.

Representatives voting no were: Bell, Burnett (Sumner), Bussart, Chiles, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, Elkins, Ellis, Fleming, Gaia, Lashlee, Love, McKinney, Murphy (Davidson), Murray (Franklin), Ozment, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Steinhauer, Wallace, Work and Young — 28.

Representatives present and not voting were: Brewer, Spence, Watson and Mr. Speaker McWherter — 4.

Thereupon, in accordance with Rule No. 73, the House recessed until 2:00 p.m.
The recess having expired, the House was called to order by Mr. Speaker McWherter.
On motion, the roll call was dispensed with.

FURTHER CONSIDERATION OF SENATE BILL NO. 2529

Senate Bill No. 2529 — To implement certain amendments, Tennessee Constitution.

Mr. Ashford renewed his motion to adopt Amendment No. 3, which motion prevailed.

Mr. Murray (Madison) moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 2529 by inserting the following sentence at the end of the first paragraph of the amendatory language of Section 8:

No candidate shall qualify for more than one (1) such separately designated office within a multi-member district.

On motion, the amendment was adopted.

Mr. Carter moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 2529 by deleting from the fourth paragraph of the amendatory language of Section 7, the words and figures "Sections 19-312 and 36-415" and by inserting instead the words and figures "Section 19-312; however, such members shall have the powers and authority given to justices of the peace by Tennessee Code Annotated, Section 36-415".

On motion, the amendment was adopted.

Mr. Dixon asked to be recorded as voting "no" on Amendment No. 5.

Mr. Cawood moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 2529 as follows:

Section 16 (B) (1) is amended by inserting after the words "Section 8-2402", the words, "in counties having a population of not less than 38,800 nor more than 38,900 by the Federal census of 1970 or any subsequent Federal census".

Section 17, Subsection in the second sentence after the words "Section 8-2402" insert the words, "and except in counties having a population of not less than 38,800 nor more than 38,900 by the Federal census of 1970 or any subsequent Federal census".

Section 18, is amended by inserting at the end of the section the words, "This section shall be applicable in counties having a population of not less than 38,800 nor more than 38,900 by the Federal census of 1970 or any subsequent Federal census".

On motion, the amendment was adopted.

Mr. Richards moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 2529 by deleting the third sentence of the first paragraph of the amendatory language of Section 8, relative to county officials and employees, and by adding a new paragraph at the end of the section to read as follows:

County officials and employees may serve as members of the county legislative body, except that any employee member who is represented by an employees' collective bargaining unit may not vote or participate in deliberations of the county legislative body relative to negotiations between the county and the employees' collective bargaining unit.

Mr. Lashlee moved that Amendment No. 7 be tabled, which motion prevailed.

Mr. Davidson (Wayne) moved to amend as follows:

AMENDMENT NO. 8

Amend Senate Bill No. 2529 by amending as follows:

Section 16 (B) (1) is amended by inserting after the words "Section 8-2402", the words, "in counties having a population of not less than 12,350 nor more than 12,375 by the Federal census of 1970 or any subsequent Federal census".

Section 17, Subsection in the second sentence after the words "Section 8-2402" insert the words, "and except in counties having a population of not less than 12,350 nor more than 12,375 by the Federal census of 1970 or any subsequent Federal census".

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Section 18 is amended by inserting at the end of the section the words, "This section shall be applicable in counties having a population of not less than 12,350 nor more than 12,375 by the Federal census of 1970 or any subsequent Federal census."

On motion, the amendment was adopted.

Mr. Ashford moved to amend as follows:

AMENDMENT NO. 9

Amend Senate Bill No. 2529 by adding the following paragraph at the end of Section 13:

The provisions of this section shall not apply to counties of class 1.

AND FURTHER AMEND, by adding the following new paragraph at the end of each of subsections (c) and (a) (5) of Section 38:

The provisions of this subsection shall not apply to counties of class 1.

AND FURTHER AMEND, by adding the following subsection at the end of Section 23:

(c) Tennessee Code Annotated, Title 8, Chapter 10, is amended by adding the following new section:

Effective September 1, 1980, the office of constable is abolished in counties of class 1, according to Section 8-2402.

On motion, the amendment was adopted.

Mr. DePriest moved to amend as follows:

AMENDMENT NO. 10

Amend Senate Bill No. 2529 by adding the following paragraph at the end of the amendatory language of Section 11:

Notwithstanding other provisions of this section to the contrary, except in counties of classes 1 and 2, the county executive shall preside as chairman over sessions of the county legislative body.

Mr. Johnson moved that Amendment No. 10 be tabled, which motion prevailed.

Mr. Darnell moved to amend as follows:

AMENDMENT NO. 11

Amend Senate Bill No. 2529 by deleting the second paragraph of the amendatory language of Section 18, substituting therefor the following:

The veto may not be exercised with respect to specific items or parts of items in the annual county budget, and may only be exercised with respect to the whole.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 12

Amend Senate Bill No. 2529 by striking the words “, that until September 1, 1982,” from page 7, Section 11 sub-paragraph A line 4.

Mr. Ashford moved that Amendment No. 12 be tabled, which motion prevailed.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 13

Amend Senate Bill No. 2529 by adding at the end of the amendatory language of Section 8, the following:

No member of the county legislative body may participate in management, representation or negotiation with respect to any employees’ collective bargaining unit established to negotiate with the county relative to the terms and conditions of employment of county employees.

Mr. Lashlee moved that Amendment No. 13 be tabled, which motion failed by the following vote:

Ayes.....	35
Noes.....	43
Present and not voting	2

Representatives voting aye were: Blackburn, Bragg, Brewer, Burnett (Sumner), Bussart, Butler, Cobb, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Ellis, Ford (Shelby), Hillis, Hood, Lashlee, Love, McKinney, Murphy (Davidson), Murray (Madison), Naifeh, Phillips, Rhinehart, Richardson, Robinson (Davidson), Shockley, Starnes, Steinhauer, Watson, Webb, Work, Yelton, Young and Mr. Speaker McWherter — 35.

Representatives voting no were: Ashford, Atchley, Bell, Bewley, Bissell, Buck, Burks, Burleson, Byrd, Carter, Chiles, Copeland, Davidson (Wayne), Elkins, Fisher, Ford (Cocke), Fuqua, Gaia, Gill, Hall, Hurley, Johnson, Kernell, Longley, McAfee, Miller, Murphy (Shelby), Murray (Franklin), Nolan, Pickering, Richards, Robertson, Robinson (Washington), Scruggs, Smith, Spence, Stafford, Stallings, Turner, Wallace, Williams, Wolfe and Wood — 43.

Representatives present and not voting were: Robinson (Hamilton) and Tanner — 2.

Mr. Copeland moved the previous question, which motion failed by the following vote:

Ayes.....	46
Noes.....	27
Present and not voting	4

Representatives voting aye were: Atchley, Bell, Bewley, Bissell, Bragg, Buck, Burks, Burleson, Bussart, Byrd, Carter, Cawood, Chiles, Copeland, Davidson (Wayne), Davis, Dixon, Elkins, Fisher, Ford (Cocke), Hall, Hurley, Ledford, Longley, Love, McAfee, Miller, Murphy (Shelby), Murray (Franklin), Nolan, Richards, Richardson, Robertson, Robinson (Hamilton), Scruggs, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Williams, Withers, Wolfe and Wood — 46.

Representatives voting no were: Blackburn, Burnett (Sumner), Butler, Davidson (Robertson), DeBerry, DePriest, Ellis, Fleming, Ford (Shelby), Gaia, Hillis, Hood, Kernell, Lashlee, McKinney, Murphy (Davidson), Murray (Madison), Phillips, Pickering, Rhinehart, Robinson (Davidson), Shockley, Spence, Steinhauer, Work, Yelton and Young — 27.

Representatives present and not voting were: Brewer, Cobb, Watson and Mr. Speaker McWherter — 4.

Mr. Copeland moved that Amendment No. 13 be moved down, which motion failed by the following vote:

Ayes.....	31
Noes.....	44
Present and not voting	2

Representatives voting aye were: Bragg, Buck, Burleson, Carter, Cawood, Chiles, Copeland, Davis, Dixon, Elkins, Fisher, Ford (Cocke), Gill, Hall, Jensen, Kernell, Ledford, McAfee, Richards, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Smith, Stafford, Stallings, Tanner, Turner, Wallace, Williams, Wolfe and Wood — 31.

Representatives voting no were: Atchley, Bell, Bissell, Blackburn, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Ellis, Fleming, Ford (Shelby), Gaia, Hillis, Hood, Hurley, Lashlee, Longley, Love, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Spence, Starnes, Steinhauer, Work, Yelton and Young — 44.

Representatives present and not voting were: Watson and Mr. Speaker McWherter — 2.

Mr. Copeland moved to amend Amendment No. 13 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 13

Amend Amendment No. 13 by deleting "with respect" and insert there in "as a member"

Mr. McKinney moved that Amendment No. 1 to Amendment No. 13 be tabled, which motion prevailed by the following vote:

Ayes.....	41
Noes.....	40
Present and not voting	3

Representatives voting aye were: Bell, Bissell, Blackburn, Bragg, Brewer, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Clark, Darnell, Davidson (Robertson), DeBerry, DePriest, Ellis, Fleming, Ford (Shelby), Hillis, Hood, Lashlee, Love, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Shockley, Spence, Starnes, Steinhauer, Watson, Work, Yelton, Young and Mr. Speaker McWherter — 41.

Representatives voting no were: Ashford, Atchley, Bewley, Buck, Burks, Burleson, Byrd, Carter, Cawood, Chiles, Copeland, Davidson (Wayne), Dixon, Fisher, Ford (Cocke), Fuqua, Gill, Hall, Hurley, Jensen, Johnson, Kernell, Longley, McAfee, Murphy (Shelby), Murray (Madison), Richards, Richardson, Robertson, Robinson (Washington), Scruggs, Smith, Stafford, Stallings, Tanner, Turner, Wallace, Williams, Wolfe and Wood — 40.

Representatives present and not voting were: Cobb, Davis and Robinson (Hamilton) — 3.

Thereupon, Amendment No. 13 failed to be adopted by the following vote:

Ayes.....	32
Noes.....	51
Present and not voting	2

Representatives voting aye were: Ashford, Atchley, Bewley, Buck, Burks, Burleson, Byrd, Chiles, Copeland, Davidson (Wayne), Fisher, Ford (Cocke), Fuqua, Gill, Hall, Jensen, Johnson, McAfee, Murphy (Shelby), Richards, Robertson, Robinson (Washington), Scruggs, Smith, Stafford, Stallings, Tanner, Turner, Wallace, Williams, Wolfe and Wood — 32.

Representatives voting no were: Bell, Bissell, Blackburn, Bragg, Brewer, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Cawood, Clark, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fleming, Ford (Shelby), Hillis, Hood, Hurley, Kernell, Lashlee, Ledford, Love, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shockley, Spence, Starnes, Steinhauer, Watson, Work, Yelton and Young — 51.

Representatives present and not voting were: Cobb and Mr. Speaker McWherter — 2.

Mr. Davidson (Wayne) moved to amend as follows:

AMENDMENT NO. 14

Amend Senate Bill No. 2529 by deleting the third sentence of the first paragraph of the amendatory language of Section 8 in its entirety and substituting instead the following new sentence:

County officials and employees shall not be eligible to serve on the legislative body of the county of their employment.

Mr. McKinney moved that Amendment No. 14 be tabled, which motion prevailed.

Mr. Davidson (Wayne) moved to amend as follows:

AMENDMENT NO. 15

Amend Senate Bill No. 2529 by deleting from the third sentence of the first paragraph of the amendatory language of Section 8 in its entirety and substituting instead the following new sentence:

Except as provided in Tennessee Code Annotated, Section 49-217, county officials and employees shall not be eligible to serve on the legislative body of the county of their employment.

AND FURTHER AMEND by deleting Section 33 in its entirety and substituting instead the following new section:

SECTION 33. Tennessee Code Annotated, Section 49-217, is amended by deleting the words “quarterly county court” wherever they appear and substituting instead the words “county legislative body”.

Tennessee Code Annotated, Section 49-217, is further amended in the second paragraph by adding the words “on the effective date of this act” at the end of the second sentence.

Mr. Williams moved the previous question, which motion prevailed by the following vote:

Ayes.....	45
Noes.....	17
Present and not voting	3

Representatives voting aye were: Atchley, Bell, Bewley, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Chiles, Copeland, Davidson (Wayne), Dixon, Elkins, Ford (Cocke), Hall, Hillis, Hurley, Kernell, Lashlee, Longley, Miller, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Scruggs, Smith, Spence, Stafford, Stallings, Tanner, Turner, Wallace, Williams, Wolfe and Wood — 45.

Representatives voting no were: Blackburn, Clark, Davidson (Robertson), Davis, DeBerry, Fleming, Ford (Shelby), Hood, Love, McKinney, Nolan, Pruitt, Starnes, Steinhauer, Work, Yelton and Young — 17.

Representatives present and not voting were: Cobb, Watson and Mr. Speaker McWherter — 3.

Thereupon, Amendment No. 15 failed to be adopted by the following vote:

Ayes.....	14
Noes.....	54
Present and not voting	2

Representatives voting aye were: Atchley, Buck, Burks, Chiles, Copeland, Davidson (Wayne), Murphy (Shelby), Murray (Franklin), Stafford, Stallings, Turner, Wallace, Williams and Wolfe — 14.

Representatives voting no were: Bell, Bissell, Blackburn, Bragg, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Clark, Cobb, Darnell, Davidson (Robertson), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Hillis, Hood, Hurley, Lashlee, Longley, Love, McKinney, Miller, Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Spence, Starnes, Steinhauer, Tanner, Watson, Webb, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 54.

Representatives present and not voting were: Kernell and Naifeh — 2.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

Mr. Yelton moved to amend as follows:

AMENDMENT NO. 16

Amend Senate Bill No. 2529 by adding the following language to the end of Section 23 (a):

Provided, however, in counties having a population of not less than 120,000 nor more than 130,000 by the 1970 Federal Census, or any subsequent federal census, there shall be no more than one constable elected per magisterial district.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 17

Amend Senate Bill No. 2529 by inserting in the first paragraph of Section 8 the following sentence:

Provided, however, that in any county having a population of not less than 7,600 nor more than 7,700 according to the 1970 federal census or any subsequent federal census, each office in multi-member districts shall be separately designated on the ballot, and candidates shall run and be elected on the basis of such separately designated offices within the district.

AND FURTHER AMEND BY, adding a new subsection to section 38 to read as follows:

() In any county required by the provisions of Section 8 of this act to designate specific offices for candidates of multi-member districts for the county legislative body such office shall be designated on the qualifying petition.

On motion, the amendment was adopted.

Mr. Webb moved to amend as follows:

AMENDMENT NO. 18

Amend Senate Bill No. 2529 by adding to the end of subsections (a) and (c) of Section 35 the following sentence:

Effective September 1, 1978, the county council of such county is the county legislative body and is vested with all legislative powers and duties of the quarterly county court of such county and the quarterly county court is abolished effective September 1, 1978.

On motion, the amendment was adopted.

Mr. Burnett (Fentress) moved that rule No. 73 be suspended for the remainder of the session, which motion prevailed.

Mr. Fisher moved to amend as follows:

AMENDMENT NO. 19

Amend Senate Bill No. 2529 by deleting from the last two sentences of the amendatory language of Section 23 (a) the words "magisterial district" wherever they appear and substitute instead the words "commissioner district."

On motion, the amendment was adopted.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 20

Amend Senate Bill No. 2529 by deleting the words "official or" and the words "county official or" from the third sentence of the amendatory language of Section 8, as amended by the Senate.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 21

Amend Senate Bill No. 2529 by deleting from the new item in Section 11 as amended which begins with words "In the event that" the words "or unavailable" and substituting instead the words "incapacitated, or unable".

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 22

Amend Senate Bill No. 2529 by adding the following sentence at the end of item (a) of the amendatory language of Section 11:

In counties having a population of not less than 8,400 nor more than 8,500 according to the 1970 or any subsequent federal census, having a county administrator who was empowered by private act prior to the effective date of this act to preside over the county legislative body, such county administrator shall continue to preside as chairman notwithstanding the provisions of this act, nor shall said county administrator have the power of veto over legislation passed by said county legislative body, the provisions of this Act notwithstanding.

On motion, the amendment was adopted.

Mr. Davidson (Wayne) moved to amend as follows:

AMENDMENT NO. 23

Amend Senate Bill No. 2529 by inserting in the first paragraph of Section 8 the following sentence:

Provided, however, that in any county having a population of not less than 12,350 nor more than 12,400 according to the 1970 federal census or any subsequent federal census, each office in multi-member districts shall be separately designated on the ballot, and candidates shall run and be elected on the basis of such separately designated offices within the district.

On motion, the amendment was adopted.

Mr. Speaker McWherter resumed the Chair.

Mr. Watson moved to amend as follows:

AMENDMENT NO. 24

Amend Senate Bill No. 2529 by adding the following language to the end of Section 23 (a):

Provided, however, in counties having a population of not less than 23,475 nor more than 23,500 by the 1970 Federal Census, or any subsequent federal census, there shall be one constable elected per county legislative district and in addition one additional constable shall be elected for the county town. In counties having a population of not less than 35,400 nor more than 35,470 by the 1970 federal census, or any subsequent federal census, there shall be one constable elected per county legislative district.

On motion, the amendment was adopted.

Mr. Yelton moved to amend as follows:

AMENDMENT NO. 25

Amend Senate Bill No. 2529 by deleting the words "other than" in the amendatory language of Section 23(a), substituting therefor the following:

other than counties having populations of not less than 127,000 nor more than 128,000 according to the 1970 or any subsequent federal census, and other than

AND FURTHER AMEND by deleting from the amendatory language of Section 23(a) the following:

Provided, however, in counties having a population of not less than 120,000 nor more than 130,000 by the 1970 federal census, or any subsequent federal census, there shall be no more than one constable elected per magisterial district.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2529, as amended, passed its third and final reading by the following vote:

Ayes.....	84
Noes.....	5
Present and not voting	2

Representatives voting aye were: Atchley, Bewley, Bissell, Blackburn, Bragg, Brewer, Burks, Bursleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Miller, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson

(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 84.

Representatives voting no were: Ashford, Bell, Buck, McKinney and Phillips — 5.

Representatives present and not voting were: Murphy (Davidson) and Ozment — 2.

A motion to reconsider was tabled.

Mr. Johnson moved that House Bill No. 2579 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

CONSENT CALENDAR

An Objection was filed to the following bill on the Consent Calendar: House Bill No. 1838.

Under the rules, House Bill No. 1838 was placed at the foot of the Calendar for today.

House Bill No. 2602 — To amend Chapter 816, Public Acts, 1978.

On motion, House Bill No. 2602 was made to conform with Senate Bill No. 2561.

On motion, Senate Bill No. 2561, on same subject, was substituted for House Bill No. 2602.

Thereupon, Senate Bill No. 2561 passed its third and final reading by the following vote:

Ayes.....	88
Noes.....	1
Present and not voting	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88

Representative voting no was: Murray (Franklin) — 1.

Representative present and not voting was: Brewer — 1.

A motion to reconsider was tabled.

House Bill No. 2604 — To amend Chapter 906, Public Acts of 1978.

On motion, House Bill No. 2604 was made to conform with Senate Bill No. 2558.

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On motion, Senate Bill No. 2558, on same subject, was substituted for House Bill No. 2604.

Thereupon, Senate Bill No. 2558 passed its third and final reading by the following vote:

Ayes.....	88
Noes.....	1
Present and not voting	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88.

Representative voting no was: Murray (Franklin) — 1.

Representative present and not voting was: Brewer — 1.

A motion to reconsider was tabled.

House Bill No. 2613 — To amend Chapter 96 of Private Acts of 1969.

On motion, House Bill No. 2613 was made to conform with Senate Bill No. 2546.

On motion, Senate Bill No. 2546, on same subject, was substituted for House Bill No. 2613.

Thereupon, Senate Bill No. 2546 passed its third and final reading by the following vote:

Ayes.....	88
Noes.....	1
Present and not voting	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88.

Representative voting no was: Murray (Franklin) — 1.

Representative present and not voting was: Brewer — 1.

A motion to reconsider was tabled.

House Bill No. 2624 — To make certain provisions, elections in Rhea County.

On motion, House Bill No. 2624 was made to conform with Senate Bill No. 2563.

On motion, Senate Bill No. 2563, on same subject, was substituted for House Bill No. 2624.

Thereupon, Senate Bill No. 2563 passed its third and final reading by the following vote:

Ayes.....	88
Noes.....	1
Present and not voting	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88.

Representative voting no was: Murray (Franklin) — 1.

Representative present and not voting was: Brewer — 1.

A motion to reconsider was tabled.

Mr. Starnes moved that House Bill No. 1838 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 2582 — Hurley.

Mr. Burks moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 595 out of order, which motion prevailed.

House Joint Resolution No. 595 — Relative to declaring legislative intent, section 50, House Bill 1668 — By Burks, Bragg, Burnett (Fentress), Buck, Murray (Madison) and DePriest.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Burks, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Bragg moved that the rules be suspended for the purpose of introducing House Resolution No. 211 out of order, which motion prevailed.

House Resolution No. 211 — Relative to declaring Mrs. Charlotte Burks "Chief Cook of the House of Representatives" — By Bragg, Burnett (Fentress), Murray (Franklin), Rhinehart, Bell, DePriest, Work, Davidson (Robertson) and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Bragg, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

465 — Relative to evaluation of progress, EPA sewage treatment standards.

The Senate receded from its action in adopting Senate Amendment No. 1, reconsidered and withdrew Senate Amendment No. 1, adopted Senate Amendment No. 2, then repassed the resolution.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE JOINT RESOLUTION ON SENATE AMENDMENT

House Joint Resolution No. 465 — Relative to directing an evaluation of progress in meeting EPA sewage treatment standards.

SENATE AMENDMENT NO. 2

Amend House Joint Resolution No. 465 to provide that "two additional senators and two additional representatives be named to the committee appointed by this resolution."

Mr. Bragg moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes.....	75
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), DePriest, Dixon, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love,

McKinney, Miller, Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Pruitt, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockl y, Smith, Stafford, Stallings, Steinhauer, Tanner, Wallace, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 75.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

1587 — To amend Sections 49-1765 and 49-1767, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONFERENCE COMMITTEES' REPORT ON SENATE BILL 1587

The House and Senate Conference Committees appointed pursuant to motions to resolve the difference between the two houses on Senate Bill 1587, relative to required immunization for attendance in school, have met and recommend that the Senate concur in the three house amendments adopted.

Respectively submitted,

House	Senate
Representative John T. Bragg	Senator Anna Belle Clement O'Brien
Representative Frank P. Lashlee	Senator William (Bill Jim) Davis
Representative James R. McKinney	Senator James E. Sullivan

Mr. Bragg moved that the Report of the Conference Committee on Senate Bill No. 1587 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.....	84
Noes.....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Love, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 84.

Representative voting no was: Burnett (Sumner) — 1.

A motion to reconsider was tabled.

Mr. Burnett (Fentress) presented the Report of the Special Joint Committee on Judicial Standards pertaining to Judge Charles Galbreath.

Mr. Burnett (Fentress) moved that the report be received and spread upon the Journal, which motion prevailed.

The report is as follows:

MEMORANDUM:

TO: Members of the General Assembly
FROM: Thomas E. Tigue, Committee Counsel
DATE: April 13, 1978
SUBJECT: Findings and recommendations of the Special Joint Committee on Judicial Standards

Senator James H. White, Chairman of the Special Joint Committee on Judicial Standards, requested that I write a letter advising members of the General Assembly that enclosed is a copy of the findings and recommendations of the Special Joint Committee in the matter of the Honorable Charles Galbreath, Judge of the Court of Criminal Appeals.

Because of the length of the Judicial Standards Commission's record (which became Exhibit 1 of the Committee record) and the Committee's record, copies have not been made for each member of the General Assembly. However, any member of the General Assembly or any member of the general public is free to examine the entire record of the Committee in the office of Representative Tommy Burnett, 25 Legislative Plaza, Nashville, Tennessee.

Senator White hopes that each member of the General Assembly will have read the findings and recommendations of the Committee prior to the scheduled vote by each house on April 26, 1978.

**REPORT
OF THE
SPECIAL JOINT COMMITTEE ON JUDICIAL STANDARDS**

In the Matter of:

**HONORABLE CHARLES GALBREATH, JUDGE OF THE CRIMINAL COURT OF AP-
PEALS**

April 12, 1978.

**Members: Senator James H. White, Chairman
Representative S. Thomas Burnett, Vice Chairman
Senator Leonard C. Dunavant, Secretary .**

Senator William H. Ortwein
Senator Ben W. Hooper
Senator James E. Sullivan
Representative James E. Elkins
Representative Eugene E. Davidson
Representative Clifford Henry
Representative I. H. Murphy

The Special Joint Committee on Judicial Standards of the Ninetieth General Assembly of the State of Tennessee was appointed by the speakers pursuant to T.C.A. § 17-814(1). The committee held public hearings on April 10-12, 1978, in Room 16 of the Legislative Plaza, Nashville, Tennessee, in order to hear evidence and consider the issue of whether Judge Charles Galbreath should be legislatively removed from office under the authority of Article VI, Section 6, of the Tennessee Constitution.

This document contains the final findings and recommendations of the committee as required by T.C.A. § 17-814(2) and is respectfully submitted for approval by the membership of the senate and house of representatives in accordance with the provisions of T.C.A. §§ 17-814(3) and 17-815.

I. The first finding of the Special Joint Committee on Judicial Standards concerns the propriety of public statements made in November of 1977 by Judge Galbreath relative to the conduct of law enforcement officials during the "Sting" operation in Davidson County.

The committee does not condone the actions of Judge Galbreath in making comments to the press concerning matters which could reasonably be expected to come before the court upon which he serves. The committee does not take the position that Judge Galbreath has relinquished his right to freedom of speech under the Tennessee and the United States constitutions. However, the right to freedom of speech must be tempered with the right of a criminal defendant to have a fair and impartial trial under the aforementioned constitutions. In a conflict of this nature, a judge, by virtue of his position, is required by the Code of Judicial Conduct and overriding public policy to resolve any question of conduct prejudicial to a criminal defendant in favor of the constitutional right of such defendant to a fair and impartial trial.

Since Judge Galbreath has an obligation as a judicial officer to exercise restraint in public comment in order to protect the rights of criminal defendants, this committee finds that Judge Galbreath's public statements with regard to the "Sting" operation were improper. The committee further finds that there has been no clear evidence that any individual's rights have been adversely affected. Thus the committee finds that Judge Galbreath's conduct relative to the "Sting" operation was improper but that such conduct does not constitute sufficient cause to recommend removal from office.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

II. The second finding of the Special Joint Committee on Judicial Standards concerns Judge Galbreath's letter to the editor of Hustler magazine. The letter was typed on official court stationery bearing the names of all the members of the Court of Criminal Appeals; was photostatically reproduced in the July, 1976, edition of the magazine; and contained vulgar phraseology within the postscript.

The committee finds that the use of official court stationery was inappropriate and reflected poor judgment by Judge Galbreath. The committee also finds that the vulgar phraseology contained within the letter's postscript was deplorable, especially for an individual entrusted with the awesome and delicate responsibilities of an appellate judge. The citizens of Tennessee are entitled to be served by judicial officers in whom they can place their utmost respect and confidence. Therefore, the committee cannot condone or accept usage of such despicable and unsuitable language. The committee, nevertheless, finds that such behavior, as regrettable as it may be, does not constitute sufficient cause for removal. Furthermore, since a conference was held pursuant to T.C.A. §17-816 and since Judge Galbreath has subsequently refrained from writing such letters, it is the general belief of this committee that his removal should not be recommended because it is the apparent intention of T.C.A. §17-816 that this matter be considered concluded.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

III. The third finding of the Special Joint Committee on Judicial Standards concerns the events which occurred on June 25, 1977 in and around the Sheraton Hotel in Columbus, Ohio, which led to the arrest of Judge Galbreath for a violation of Section 2113.01 of the Columbus City Code, i.e. crossing against a pedestrian control device.

The committee finds that the alleged violation of the Columbus City Code was the only offense with which Judge Galbreath was charged by law enforcement officials as well as the only offense supported by credible evidence in the record. The committee finds that consideration of any other charges or accusations relative to Judge Galbreath's conduct in Columbus, Ohio, on June 25, 1977 would be improper. The committee further finds that violation of Section 2113.01 of the Columbus City Code is not sufficient cause to recommend removal from office.

Therefore, based on the findings herein made, the committee does not recommend removal of Judge Galbreath from office on this charge.

IV. (a) This portion of the fourth finding of the Special Joint Committee on Judicial Standards concerns the attempted interchange between Judge Galbreath of the Court of Criminal Appeals and Judge Loser of the Davidson County Circuit Court in September 1977.

The committee finds that Tennessee Code Annotated, Section 17-211, does not require the Chief Justice of the Supreme Court to approve proposed interchanges. The committee further finds that the former presiding judge of the middle division of the Court of Criminal Appeals did not object to the proposed interchange and testified that such an interchange would not adversely affect the operation and administration of the court.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

IV. (b) This portion of the fourth finding of the Special Joint Committee on Judicial Standards concerns Judge Galbreath's remark, "Oh, for God's sakes", in an open session of the Court of Criminal Appeals on September 21, 1977.

The committee finds that Judge Galbreath's use of the phrase "Oh, for God's sake" was inappropriate and discourteous, even though the effect was mitigated as was shown by the evidence that the remark was spontaneous and uttered in a low voice. The committee further finds that Judge Galbreath's subsequent remarks concerning Judge Daughtrey's questioning of Mr. Ennix were unjustified and improper. The record clearly reflects that Judge Daughtrey has conducted herself as a professional and has diligently applied herself to the duties of her office.

Therefore, based on the findings herein made, the committee does not recommend removal of Judge Galbreath from office on this charge.

IV. (c) (1) This portion of the fourth finding of the Special Joint Committee on Judicial Standards concerns Judge Galbreath's failure to follow an agreement that the middle division of the Court of Criminal Appeals would operate as a "hot court", i.e. that the judges have prepared for the cases prior to the presentation of oral argument.

The committee finds that the desirability of a "hot court" as opposed to a "cold court" is a subject of legitimate legal debate among Tennessee judges. The agreement to operate as a "hot court" was an informal one which did not fix the duration of the agreement. The former presiding judge of the middle division of the court of criminal appeals testified that one judge acting as a "cold" judge did not adversely affect the operation of the middle division.

The committee finds that some degree of harmony is essential to the proper functioning of a court panel and that Judge Galbreath could have handled his disagreement with the "hot court" arrangement in a more professional manner than refusing to follow the agreement.

The committee further finds that a disagreement of this nature is a matter which would more properly be resolved by the presiding judge of the Court of Criminal Appeals or by an informal conference as provided by Tennessee Code Annotated, Section 17-816. Thus the committee finds that Judge Galbreath's termination of the agreement to operate as a "hot court" does not constitute sufficient cause to recommend removal from office.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

IV. (c) (2) This portion of the fourth finding of the Special Joint Committee on Judicial Standards concerns the allegation that Judge Galbreath fails, on many occasions, to prepare his opinions in a manner which fully disposes of the issues.

The committee finds that the burden of proving a charge of this nature should be placed on the party seeking the removal of Judge Galbreath. Based on the testimony of several judges, the evidence clearly and unequivocally preponderates against this allegation. The committee finds that it is not improper to address only one issue when that judge is writing a dissenting opinion and that it is not improper to write dissenting opinions if they are not written to avoid work or in an arbitrary and capricious manner. Since evidence shows that the quality of Judge Galbreath's opinions was deemed acceptable, the committee further finds that it was not improper to dispose of the controlling issue and to dismiss other assigned errors as being without merit. Since the weight of the evidence does not support the allegation, the committee finds that Judge Galbreath should not be removed on the basis of this charge.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

IV. (d) This portion of the fourth finding of the Special Committee on Judicial Standards concerns Judge Galbreath's statements to the media relative to the work of the Court.

The committee finds that insubstantial evidence exists to verify this charge forwarded by the Judicial Standards Commission. Furthermore, the committee finds that this charge is contra to the language of the Code of Judicial Conduct which permits judges to make public statements in the course of their official duties or to explain the procedures of the court.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

V. The fifth finding of the Special Joint Committee on Judicial Standards concerns the propriety of Judge Galbreath's granting to his research assistant, Mr. Mark Schneider, permission to engage in the part-time private practice of law while on the state payroll.

The committee finds that Judge Galbreath made a bona fide request to the chief justice of the supreme court to determine the propriety of allowing his clerk to engage in the part-time practice of law not in conflict with his clerk's official duties. The chief justice did not respond to this inquiry because of the possibility of prejudicing proceedings before the Judicial Standards Commission. The committee further finds that several state employed attorneys in other offices are permitted to engage in the private practice of law and thus legislation may be necessary to finally determine the propriety of state employed attorneys engaging in the private practice of law.

The committee finds that the nature of Mr. Schneider's work was restricted while he was Judge Daughtrey's clerk and expanded while he was Judge Galbreath's clerk.

The committee does not find that Mr. Schneider is personally involved in any impropriety and this fact is clearly demonstrated by the evidence.

The committee further finds Judge Galbreath's attempt to determine the propriety of allowing his clerk to engage in the private practice of law in conjunction with the conflicting policies of different state offices with regard to their attorneys justifies Judge Galbreath's approval for Mr. Schneider's law practice.

Therefore, based on the findings made herein, the committee does not recommend the removal of Judge Galbreath from office on this charge.

VI. The sixth finding of the Special Joint Committee on Judicial Standards Committee concerns Judge Galbreath's alleged practice of writing judicial opinions without reading the entire record.

The committee finds that T.C.A. §40-3409 requires that any reversible error in a criminal case, whether or not it is the subject of a writ of error, should be identified and corrected. Therefore, the entire record must be read and the rights of the criminal defendant must be protected. The committee heard testimony from Judge Galbreath that he read the entire record on every case in which he wrote a majority opinion affirming the conviction of the lower court and thereby insured that the rights of the accused were observed. The committee did not find a violation of T.C.A. §40-3409, other than a technical violation in cases where the lower court's decision was reversed.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

VII. (a) This portion of the seventh finding concerns Judge Galbreath's statement to a member of the news media that he will "fight the hell out of the sons-of-bitches" referring either to the charges against him, to the Judicial Standards Commission, or to the person or persons who lodged the charges with the Judicial Standards Commission.

The committee finds that Judge Galbreath's use of the words "sons-of-bitches" reflects poorly upon the judiciary and public of the state of Tennessee. The committee cannot condone the public use of such language and will not accept similar behavior in the future.

The committee further finds that although this language was used in a conversation with an individual member of the news media rather than as a public statement, that Judge Galbreath should have known that it was possible that the language would appear in the media. Although this committee does not agree with the use of such language, the committee finds that this language does not constitute sufficient cause to recommend removal from office.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

VII. (b) This portion of the seventh finding concerns Judge Galbreath's alleged breach of an agreement that he would retire if the Judicial Standards Commission terminated the charges pending against him.

The committee finds that any secret agreement is contrary to the public policy of this state and interferes with the public's right to know of the operations of its government. Therefore, the committee does not approve of the fact that an agreement, which by its terms was to remain a secretive one, was reached between a public official and a public commission.

The committee further finds that if, in fact, a breach of the agreement occurred, the evidence clearly shows that the agreement was first breached by the Judicial Standards Commission rather than by Judge Galbreath. Since Judge Galbreath was not the first party to breach the retirement agreement, the committee finds that he should not be removed on the basis of this charge.

Therefore, based on the findings herein made, the committee does not recommend the removal of Judge Galbreath from office on this charge.

This report is respectfully submitted by the membership of the Special Joint Committee on Judicial Standards of the Ninetieth General Assembly of the State of Tennessee.

Senator James H. White, Chairman
Representative S. Thomas Burnett, Vice-Chairman
Senator Léonard C. Dunavant, Secretary

Senator James E. Sullivan
Senator Ben W. Hooper
Senator William H. Ortwein

Representative I. H. Murphy
Representative James E. Elkins
Representative Eugene E. Davidson
Representative Clifford Henry

This the 12th day of April, 1978

VOTING RECORD OF SPECIAL JOINT COMMITTEE

No Not for Removal
 Yes For Removal
 P Pass

Charge	1			2			3			4a			4b			4c(1)		
	Y	N	P	Y	N	P	Y	N	P	Y	N	P	Y	N	P	Y	N	P
Rep. Burnett, V-Chm.		X			X						X			X			X	
Rep. Davidson		X			X						X			X			X	
Sen. Dunavant, SECTY		X			X						X			X			X	
Rep. Elkins		X			X						X			X			X	
Rep. Henry		X			X						X			X			X	
Sen. Hooper		X			X						X			X			X	
Rep. Murphy (Shelby)		X			X						X			X			X	
Sen. Ortwein		X			X						X			X			X	
Sen. Sullivan		X			X						X			X			X	
Sen. White, Chairman		X			X						X			X			X	
	0	10	0	3	7	0				0	10	0	0	10	0	0	10	0

	4c(2)			4d			5			6			7a			7b		
	Y	N	P	Y	N	P	Y	N	P	Y	N	P	Y	N	P	Y	N	P
Rep. Burnett, V-Chm.		X			X			X			X			X			X	
Rep. Davidson		X			X			X			X			X			X	
Sen. Dunavant, SECTY		X			X			X			X			X			X	
Rep. Elkins		X			X			X			X			X			X	
Rep. Henry		X			X			X			X			X			X	
Sen. Hooper		X			X			X			X			X			X	
Rep. Murphy (Shelby)		X			X			X			X			X			X	
Sen. Ortwein		X			X			X			X			X			X	
Sen. Sullivan		X			X			X			X			X			X	
Sen. White, Chairman	0	10	0	0	10	0	0	10	0	0	10	0	0	8	2	0	10	0

NOT CONSIDERED

COMMENTS ON THE GALBREATH HEARINGS

REPRESENTATIVE EUGENE E. DAVIDSON

10:00 a.m.
 April 13, 1978

I would like to clarify my action taken on voting not to sustain charge number 2 of the Judicial Standards Commission nor to recommend the removal of Judge Galbreath for writing the "Hustler Letter." Procedurally through the framework of the Constitution and the statutes of Tennessee action was taken by the Judicial Standards Commission and now it appears that legally, there is little else that can be accomplished.

However, I will request the right to reconsider this matter when voting on the items cumulatively.

★ ★ ★ ★ ★

It is quite difficult to adequately express feelings of the entire procedure of the Galbreath hearings. In many ways I tried to find fault with Judge Galbreath's actions to the extent that I could honestly vote to recommend that he be impeached on all of the counts. Deep down inside there was an urge to "get him" and yet deep down inside there was also present that old feeling of fairness and honesty. I guess to a large degree that current public opinion was one of the compelling facets that encouraged me to try to hang the Judge. However, I felt that even above public opinion my constituency would want me to be fair to all concerned. After much soul searching and also after pondering the testimony and transcripts in my mind there was no room for doubt as to how I would cast my votes. As of this afternoon I have peace of mind as to the actual votes taken this morning.

In my mind Judge Galbreath falls into the category of all crusaders of the First Amendment now and in the past. They are a rare breed and one that faces controversy so long as they continued to speak out. In our society today, in many instances they are nonconformists living in a conforming society. I do not agree with his openness in speaking, but that is a guaranteed right of all Americans. I do feel that when Judge Galbreath "took the bench" that he placed himself in a position of leadership in the State whereby certain standards of conduct were expected of him. Judge Galbreath did not do this.

In matters pertaining to conflicts with other members of the Judiciary, I feel that Judge Galbreath was wrong. He, along with other members of the bench, should have compromised and they should have tried to work out problems. Failure to do this fact was in and of itself a violation of their office and all concerned are at fault here.

Perhaps the most serious incident brought to our attention was the Hustler incident. I feel that this was totally out of order for a member of the Appeals Court. I would have voted for impeachment on this item if the Judicial Standards Committee had not already dealt with the matter. Because of the machinery in the Constitution and the Statutes of Tennessee, we could not legally consider this matter again except to consider it as a part of the whole. I regret that the Judicial Standards Committee did not deal with this fact more adequately. In a technical sense the Judicial Standards Committee tied our hands.

I would also hope that the Judicial Standards Committee, should the occasion ever arise again, would have their house in better order. Evidence that they had considered to be strong actually fell apart at the seams when presented to the Special Joint Committee. Certainly the Judicial Standards Committee consisting of very fine attorneys and non-attorneys should have realized that the charges would not stand. Hopefully, before they ever choose to pass the buck again, they will examine it more closely. After all, it is a reflection upon them.

Respectfully submitted,
EUGENE E. DAVIDSON

REPRESENTATIVE CLIFFORD "BO" HENRY

After listening to testimony regarding the Judicial Standards Commission's charges against Judge Charles Galbreath and being a non-lawyer unaccustomed to courts, judges, witnesses and hearings, I come away perplexed, bothered and somewhat bewildered. Although I supposedly heard testimony from some of the best judges in Tennessee, I quite frankly hope that I never have to appear in some of their courts to be judged - if the testimony and work of

the Judicial Standards Commission can be used as a gauge. I can only conclude that some of the members appeared to be arbitrary and trained in jumping to conclusions. I do not mean to condemn the entire judiciary of this state, but based upon these hearings I am disappointed.

Although I do not condone the actions of Judge Galbreath, especially concerning the letter which was published by Hustler Magazine and his alleged utterance on the bench when a case was being tried, I cannot properly conclude that they are offenses which merit his removal from office; and regarding his statement circulated in the Nashville papers concerning the "sting" operation, much argument was heard as to whether or not Judge Galbreath should have said anything since he (Judge Galbreath) may have to sit in judgment on some of the cases on appeal. To me, this holds no more weight than legislators not voting on legislation in which they or their families have an interest. The record shows few of us excusing ourselves because of conflicts or prejudices or previous statements.

In our system of checks and balances, the chief executive and legislative branches are elected by the people - in some states the judicial branch is appointed - in some states they are elected. But I believe if you are elected by the people, you deserve to be removed by the people - not by someone judging you based upon a set of precepts and standards set for you by someone else. Judge Galbreath, I will never be able to live by your standards and I would be presumptuous to ask you to live by mine.

As human beings, we are all different. Some are quiet, some are flamboyant; some discreet and some totally lacking in discretion; some morally straightlaced, some totally lacking morals; some of high character and ethics and others with no character or ethics; and some are different, some indifferent. We are all different, including Judge Galbreath. He is different from members of the Judicial Standards Commission; he is different from some of his fellow members of the Court of Appeals - and he is different from the members of The Joint Committee on Judicial Standards.

Judge Galbreath, I find you guilty of indifference to the opinion of your fellow judges, indifferent as to the opinion of the Judicial Standard Commission, and you probably do not care what this special joint committee does. I cannot find anything wrong with your being different or indifferent.

Judge Galbreath, I find you guilty of not fitting the image and mold of a judge, an image and mold constructed by someone else over a long period of time.

Judge Galbreath, I find you guilty of non-conforming in a day and time and in a profession which prides itself on tradition and conformity. I do not applaud you for being a non-conformist, neither do I condemn you.

Judge Galbreath, I find you guilty of dissenting in a day and time when it is easier to go along in order to get along. I do not admire you for dissenting, neither do I condemn you.

Judge Galbreath, I cannot find you guilty as charged by The Judicial Standards Commission on anything that merits your removal from office. You have been indiscreet, unwise, untimely, and conducted yourself in an unusual manner, and I suppose that by your standards so have I.

Respectfully,
CLIFFORD H. HENRY, JR.

Mr. Burks moved that the rules be suspended for the purpose of introducing House Resolution No. 210 out of order, which motion prevailed.

House Resolution No. 210 — Relative to censuring Judge Charles Galbreath — By Burks.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Burks moved that House Resolution No. 210 be adopted, which motion prevailed.

A motion to reconsider was tabled.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1965

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill 1965 (SB 2120) have met and recommend that House amendment 1 and Senate amendments 2 and 3 be adopted.

The committee recommends that Senate amendment 1 as amended be deleted.

The committee further recommends that the following amendment to House Bill 1965 (SB 2120) be adopted:

AMEND by inserting the following sentences immediately preceding the first complete sentence in the amendatory language in Section 1:

Provided, however, that such contribution may only be made if such corporation is located in a county in which the candidate's district or part thereof lies or located in the state if the candidate is running for statewide office. Provided further that corporations who contribute to candidates may do so only if authorized by a resolution passed by their board of directors and such directors shall file a copy of such authorizing resolution with the State Librarian and Archives.

AND FURTHER AMEND by adding at the end of the amendatory language of Section 1, the following:

The total of such contributions by officers or representatives of any one (1) corporation, including related corporations, shall not exceed one hundred dollars (\$100) from corporate funds to any one (1) candidate in an election. For purposes of this section, "related corporations" means corporations or business associations which stand in a parent or subsidiary relationship to the contributing corporation in a degree of equity ownership in excess of fifty percent (50%).

FOR THE HOUSE

CHARLIE R. ASHFORD
TOMMY BURNETT
JIMMY NAIFEH

FOR THE SENATE

BEN ATCHLEY
BEN W. HOOPER II
JAMES H. WHITE

Mr. Ashford moved that the Report of the Conference Committee on House Bill No. 1965 be adopted and made the action of the House, which motion failed by the following vote:

Ayes.....	47
Noes.....	24
Present and not voting	3

Representatives voting aye were: Ashford, Atchley, Bewley, Bissell, Blackburn, Bragg, Burleson, Byrd, Carter, Copeland, Dixon, Elkins, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Jensen, Johnson, Lashlee, Longley, McAfee, Miller, Murphy (Shelby), Murray (Madison), Naifeh, Richards, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood and Yelton — 47.

Representatives voting no were: Bell, Buck, Burnett (Sumner), Bussart, Cawood, Cobb, Darnell, Davidson (Robertson), Ellis, Fisher, Hood, Hurley, Kernell, Ledford, Murphy (Davidson), Murray (Franklin), Ozment, Phillips, Rhinehart, Richardson, Robinson (Davidson), Shockley, Steinhauer and Work — 24.

Representatives present and not voting were: Davis, DeBerry and Mr. Speaker McWherter — 3.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1702

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill 1702/Senate Bill 1736 have met and recommend that all Senate and House amendments not be adopted.

The Committee further recommends the following amendment to House Bill 1702/Senate Bill 1736:

AMEND, by deleting Section 1 of the bill in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 39, Chapter 24, is amended by adding to the end of the chapter the following new sections:

Section . Vehicular homicide is the killing of another by the operation of an automobile, airplane, motor boat, or other motor vehicle:

(a) as the proximate result of conduct creating a substantial risk of death or serious bodily injury to a person under circumstances manifesting extreme indifference to the value of human life; or

(b) as the proximate result of the driver's intoxication as set forth in Tennessee Code Annotated, Section 59-1031. For purposes of this section, "intoxication" shall include alcohol intoxication as defined by Tennessee Code Annotated, Section 59-1047, drug intoxication or both.

Section . Whoever is convicted of vehicular homicide under the provisions of subsection (a) of Section of this act shall be imprisoned in the state penitentiary for a determinate sentence which shall be fixed at a period of time not to exceed five (5) years. Whoever is convicted of vehicular homicide under the provisions of subsection (b) of Section of this act, when intoxication of the driver is the proximate cause of death, shall be imprisoned in the state penitentiary for a determinate sentence which shall be fixed at a period of time of not less than one (1) year nor more than twenty-one (21) years.

Section . The offense created by this act shall not preclude prosecution under any other criminal statute.

Respectfully submitted,

FOR THE SENATE

VICTOR H. ASHE
ANNA BELLE CLEMENT O'BRIEN
WILLIAM H. ORTWEIN

FOR THE HOUSE

JAMES E. ELKINS
ED MURRAY
TOMMY BURKS

Mr. Elkins moved that the Report of the Conference Committee on House Bill No. 1702 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.....	77
Noes.....	2
Present and not voting	3

Representatives voting aye were: Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Cawood, Chiles, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Longley, McAfee, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 77.

Representatives voting no were: DeBerry and Pruitt — 2.

Representatives present and not voting were: Burnett (Sumner), Ellis and Murphy (Shelby) — 3.

A motion to reconsider was tabled.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1299

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two house on House Bill 1299 (Senate Bill 785) has met and recommends the adoption of Senate amendment number 2.

FOR THE SENATE

VICTOR H. ASHE
MILTON HAMILTON
JOHN HICKS

FOR THE HOUSE

VICTOR ELLIS
BILL NOLAN
ROBB ROBINSON

Mr. Robinson (Davidson) moved that the Report of the Conference Committee on House Bill No. 1299 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.....	63
Noes.....	11
Present and not voting	3

Representatives voting aye were: Atchley, Bell, Blackburn, Brewer, Buck, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Ellis, Fleming, Ford (Shelby), Fuqua, Gaia, Hall, Hillis, Hood, Johnson, Kernell, Lashlee, Ledford, Longley, Love, McAfee, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robinson (Davidson), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Turner, Wallace, Withers, Work, Yelton and Mr. Speaker McWherter — 63.

Representatives voting no were: Bewley, Burleson, Burnett (Sumner), Fisher, Ford (Cocke), Hurley, Robertson, Robinson (Washington), Tanner, Watson and Wood — 11.

Representatives present and not voting were: Gill, Williams and Wolfe — 3.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1299 — To amend Section 59-1108, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 614

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill 614 (Senate Bill 2205) has met and recommends the adoption of House amendments 1, 2, and 3, and the adoption of Senate amendments 1, 2, and 3.

The Committee further recommends the adoption of the following amendment:

Amend by deleting in its entirety, Section 20 of the bill as originally filed, relative to review of proposed rules by the Attorney General.

Respectfully submitted,

FOR THE SENATE

ED BLANK
CARL KOELLA
BILL ORTWEIN

FOR THE HOUSE

BOB DAVIS
BILL RICHARDSON
ED WILLIAMS

Mr. Davis moved that the Report of the Conference Committee on House Bill No. 614 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.....	81
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bissell, Blackburn, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 81.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

614 — To amend Uniform Administrative Procedures Act.

The Senate adopted the Conference Committee report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1702 — To amend Title 39, Chapter 24, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murray (Madison) moved that the rules be suspended for the purpose of introducing House Resolution No. 209 out of order, which motion prevailed.

House Resolution No. 209 — Relative to congratulating Robert Loyd Matthews — By Murray (Madison) and Wallace.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Murray (Madison), the resolution was adopted.

A motion to reconsider was tabled.

Mr. Lashlee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 593 out of order, which motion prevailed.

House Joint Resolution No. 593 — Relative to honoring Representative A. Keith Bissell — By Murphy (Davidson) Lashlee, Ashford, Atchley, Bell, Bewley, Bishop, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Lashlee, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

1350 — To amend Section 64-704, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1350

The Joint Conference Committee of the House and Senate met Thursday, April 27, 1978 at 9:30 a.m. to consider Senate Bill 1350.

Members present were the following: Senator Marshall Nave, Chairman, Senator Carl Moore, Senator Anna Belle Clement O'Brien, Representative Clarence Phillips, Representative Hugh Dixon, and Representative Charlie Ashford.

The following amendment was adopted for the purpose of changing a period of five years to read a period of one year under Section 2(b), Subsection (b), and by adding to the section thereafter a limitation as to the size of the drilling unit.

MARSHALL T. NAVE
ANNA BELLE CLEMENT O'BRIEN
HUGH DIXON

CARL R. MOORE
CLARENCE PHILLIPS
CHARLIE ASHFORD

Mr. Phillips moved that the Report of the Conference Committee on Senate Bill No. 1350 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.....	80
Noes.....	2
Present and not voting	2

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Representatives voting aye were: Atchley, Bell, Bewley, Bissell, Blackburn, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Clark, Cobb, Copeland, Darnell, Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Hall, Hillis, Hood, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Longley, Love, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 80.

Representatives voting no were: Ashford and Gill — 2.

Representatives present and not voting were: Burnett (Fentress) and Chiles — 2.

A motion to reconsider was tabled.

Mr. Starnes moved that the rules be suspended for the purpose of introducing House Resolution No. 218 out of order, which motion prevailed.

House Resolution No. 218 — Relative to commending Mr. Jay Solomon — By Mr. Speaker McWherter, Murphy (Davidson), Starnes, Ellis, Cobb, Ozment, McKinney, Clark, Fleming, Steinhauer, Chiles, Love and Robinson (Davidson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Starnes, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hurley moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 591 out of order, which motion prevailed.

House Joint Resolution No. 591 — Relative to urging State Building Commission to approve funding for monument — By Hurley and Murphy (Davidson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hurley, the resolution was adopted.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 1545

Senate Bill No. 1545 — To provide certain signs, Interstate 40, Davidson County.

Mr. Love moved that the House pass Senate Bill No. 1545, notwithstanding the objections of the Governor, which motion failed by the following vote:

Ayes.....	18
Noes.....	29
Present and not voting	22

THURSDAY, APRIL 27, 1978 — 87TH LEGISLATIVE DAY

Representatives voting aye were: Brewer, Burnett (Sumner), Bussart, Clark, Cobb, DeBerry, Ellis, Ford (Shelby), King, Love, Murphy (Shelby), Pruitt, Richards, Robertson, Scruggs, Smith, Withers and Wood — 18.

Representatives voting no were: Bewley, Blackburn, Burks, Burleson, Byrd, Carter, Chiles, Dixon, Fisher, Ford (Cocke), Fuqua, Gill, Hillis, Hood, Hurley, Lashlee, Murray (Franklin), Murray (Madison), Rhinehart, Spence, Stallings, Steinhauer, Tanner, Wallace, Watson, Webb, Wolfe, Work and Yelton — 29.

Representatives present and not voting were: Ashford, Atchley, Bell, Buck, Burnett (Fentress), Butler, Cawood, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, Elkins, Gaia, Kernell, Miller, Naifeh, Phillips, Pickering, Richardson, Stafford, Turner and Mr. Speaker McWherter — 22.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

694 — To amend Workmen's Compensation Law.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murphy (Shelby) moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 694, which motion prevailed.

On motion, House Bill No. 2625 was recalled from the Committee on Judiciary.

Mr. Tanner moved that the rules be suspended for the immediate consideration of House Bill No. 2625, which motion prevailed.

House Bill No. 2625 — To amend Chapter 848, Public Acts, 1978.

Mr. Tanner moved that House Bill No. 2625 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	84
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Longley, Love, McAfee, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 84.

A motion to reconsider was tabled.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 32

Conference Committee on Senate Bill 1836 (HB 32) met at 9:45 AM and moved to adopt the Senate version of the bill.

A quorum was present.

Representative Harold W. Byrd wishes to be on record as opposed.

Senator Carl R. Moore	Representative Harold W. Byrd
Senator Ben W. Hooper	Representative Tommy Burks
Senator Douglas Henry, Jr.	Representative Ed Murray

Mr. Blackburn moved that the Report of the Conference Committee on House Bill No. 32 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.....	83
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 83.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

32 — To amend Sections 67-645 and 67-646, Code.

The Senate adopted the Conference Com. Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Steinhauer moved that the rules be suspended for the purpose of introducing House Resolution No. 208 out of order, which motion prevailed.

House Resolution No. 208 — Relative to congratulating the White House High School marching band — By Steinhauer, Davidson (Roberston) and Burnett (Sumner).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Steinhauer, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Clark moved that the rules be suspended for the purpose of introducing House Resolution No. 213 out of order, which motion prevailed.

House Resolution No. 213 — Relative to honoring Bob Burleson — By Stafford, Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Clark, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Stafford moved that the rules be suspended for the purpose of introducing House Resolution No. 212 out of order, which motion prevailed.

House Resolution No. 212 — Relative to honoring James E. Elkins — By Stafford, Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Stafford, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Stafford moved that the rules be suspended for the purpose of introducing House Resolution No. 214 out of order, which motion prevailed.

House Resolution No. 214 — Relative to honoring Ben Longley — By Stafford, Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb,

Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Stafford, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Stafford moved that the rules be suspended for introducing House Joint Resolution No. 588 out of order, which motion failed.

Mr. Clark moved that the rules be suspended for the purpose of introducing House Resolution No. 215 out of order, which motion prevailed.

House Resolution No. 215 — Relative to expressing appreciation, Representative E. Marvin Fleming — By Clark, Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Clark, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Withers asked to be recorded as voting "no" on the Conference Committee Report on House Bill No. 1965.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

743 — To create Tennessee Advisory Commission on Intergovernmental Relations; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 743 — To create Tennessee Advisory Commission on Intergovernmental Relations.

SENATE AMENDMENT NO.2

Amend House Bill No. 743 by deleting from the first sentence of Section 3(a) the language “twenty (20)” and substituting instead the language “twenty-one (21)”.

AND FURTHER AMEND BY deleting from the end of Section 3(a)(2) the word “and”; changing the period at the end of Section 3(a)(3) to a semicolon and adding the word “and”; and adding the following subsection after Section 3(a)(3):

(4) The Comptroller of the Treasury.

SENATE AMENDMENT NO. 3

Amend House Bill No. 743 by deleting section 7(d) in its entirety.

Mr. Jensen moved that the House concur in Senate Amendments Nos. 2 and 3, which motion prevailed by the following vote:

Ayes.....	83
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 83

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2607 — To amend Chapter 585, Public Acts 1978; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2607 — To amend Chapter 585, Public Acts, 1978.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2607 by deleting section 1 in its entirety and substituting the following: "Section 1: Chapter 585 of the Public Acts of 1978 is amended by adding a new sentence at the end of Section (a) of section 1 of the law to read as follows:

"This provision shall only apply to leases which are for a term of five (5) years or longer or if the consideration for any such lease amounts to more than twelve thousand dollars (\$12,000) per year." "

Mr. Jensen moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	84
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Darnell, Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 84.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 287 — Relative to helicopter base, McGhee - Tyson Airport; adopted for concurrence.

Clyde W. McCullough, Jr.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 289 — Relative to memory, Judge Murrell W. Snell; adopted for concurrence.

Clyde W. McCullough, Jr.,
Chief Clerk.

On motion, the rules were suspended for the immediate consideration of Senate Joint Resolution No. 283.

Senate Joint Resolution No. 283 — Relative to memory, Mrs. Jamie Parnell Goddard.

On motion, the resolution was concurred in.

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A motion to reconsider was tabled.

Mr. Jensen moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 284, which motion prevailed.

Senate Joint Resolution No. 284 — Relative to expressing appreciation, R. Lynn Seeber.

On motion of Mr. Jensen, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Jensen moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 285, which motion prevailed.

Senate Joint Resolution No. 285 — Relative to commending Dr. Sam H. Ingram.

On motion of Mr. Jensen, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Jensen moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 286, which motion prevailed.

Senate Joint Resolution No. 286 — Relative to honoring Aubrey J. Wagner.

On motion of Mr. Jensen, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

356 — To enact Sexual Offenses Act of 1977; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 356 — To enact Sexual Offenses Act of 1977.

SENATE AMENDMENT NO. 1

Amend House Bill No. 356 by deleting the words "mental anguish" from definition (6) of Section 2, and by deleting Section 7 and 8 in their entireties and renumbering Sections 9 through 12 accordingly.

SENATE AMENDMENT NO. 2

Amend House Bill No. 356 by deleting in Section I of Section III of the Bill the following language.

"When the couple are living apart and one of them has filed for absolute divorce or divorce from bed and board.

SENATE AMENDMENT NO. 3

Amend House Bill No. 356 as follows:

Section 3B by adding a period after the word "years" and by striking the words "except as otherwise provided by law."

SENATE AMENDMENT NO. 4

Amend House Bill No. 356 by deleting the existing language of subsection (4) of section 5 and substituting in lieu thereof, the following:

When the actor engages in sexual penetration on the pretext of performing a medical examination or treatment for the purpose of achieving sexual penetration.

Mr. Murphy (Davidson) moved that the House concur in Senate Amendments Nos. 1, 2, 3 and 4, which motion prevailed by the following vote:

Ayes.....	80
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hillis, Hood, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Longley, McAfee, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 80.

A motion to reconsider was tabled.

Mr. Murphy (Davidson) moved that the rules be suspended for the purpose of introducing House Resolution No. 216 out of order, which motion prevailed.

House Resolution No. 216 — Relative to welcoming the Nashville Sounds to Nashville — By Murphy (Davidson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Murphy (Davidson), the resolution was adopted.

A motion to reconsider was tabled.

Mr. Murphy (Davidson) moved that the rules be suspended for the purpose of introducing House Resolution No. 217 out of order, which motion prevailed.

House Resolution No. 217 — Relative to expressing appreciation to Mrs. Dora Pitt — By Murphy (Davidson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Murphy (Davidson), the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

1179 — To amend Section 70-2207, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1179

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill 1179 (House Bill 1321) have met and recommend that House amendments 1 and 5 be adopted and that House amendments 3 and 4 be deleted.

The committee further recommends the following amendment to Senate Bill 1179 (House Bill 1321) be adopted:

"The increase in fees generated by the passage of this Act shall be allocated to access areas, maintenance, garbage pickup and law enforcement."

Respectfully submitted:

FOR THE SENATE:

RAY C. ALBRIGHT
CARL R. MOORE
ANNA BELLE CLEMENT O'BRIEN

FOR THE HOUSE:

VICTOR ELLIS
E. T. GILL, JR.
FRANK P. LASHLEE

Mr. Ellis moved that the Majority Report of the Conference Committee on Senate Bill No. 1179 be adopted and made the action of the House.

MINORITY REPORT ON SENATE BILL 1179

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill 1179 (House Bill 1321) have met and cannot agree and therefore the Minority Report recommends that House amendments 1 and 5 be adopted and that House amendment 3 be adopted; and an amendment to exclude 25 horse power motors and under on boats to be excluded from fee increases and remain under the present schedule fee. This is to protect the small boat owners.

The Minority Report further recommends the following amendment to Senate Bill 1179 (House Bill 1321) be adopted:

"The increase in fees generated by the passage of this Act shall be allocated to access areas, maintenance, garbage pickup and law enforcement."

Respectfully submitted:

FOR THE HOUSE:

FRANK P. LASHLEE
E. T. GILL, JR.

Mr. Lashlee moved that the Minority Report on Senate Bill No. 1179 be substituted for the Majority Report and made the action of the House.

Mr. Ellis moved that the motion be tabled, which motion prevailed by the following vote:

Ayes.....	41
Noes.....	30
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Blackburn, Burleson, Bussart, Carter, Clark, Cobb, Darnell, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Hillis, Hood, Hurley, Kernell, Longley, McAfee, McKinney, Miller, Phillips, Pickering, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Stafford, Stallings, Starnes, Steinhauer, Watson, Webb, Williams, Wolfe, Wood and Yelton — 41.

Representatives voting no were: Ashford, Atchley, Brewer, Buck, Burnett (Sumner), Butler, Byrd, Cawood, Chiles, Davidson (Wayne), Fuqua, Gaia, Gill, Johnson, King, Lashlee, Murray (Franklin), Murray (Madison), Rhinehart, Richards, Richardson, Scruggs, Smith, Spence, Tanner, Turner, Wallace, Withers, Work and Mr. Speaker McWherter — 30.

Representatives present and not voting were: Davis and Murphy (Shelby) — 2.

Mr. Williams moved the previous question, which motion failed by the following vote:

Ayes.....	51
Noes.....	22
Present and not voting	5

Representatives voting aye were: Atchley, Bell, Bewley, Blackburn, Buck, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Carter, Chiles, Clark, Cobb, Darnell, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Hillis, Hood, Hurley, Jensen, Kernell, Longley, Love, McAfee, McKinney, Miller, Phillips, Pickering, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Starnes, Steinhauer, Turner, Watson, Webb, Williams, Wolfe, Wood and Yelton — 51.

Representatives voting no were: Burks, Butler, Byrd, Cawood, DeBerry, Ford (Shelby), Fuqua, Gaia, Gill, Johnson, Lashlee, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Rhinehart, Richards, Richardson, Spence, Tanner, Wallace and Withers — 22.

Representatives present and not voting were: Ashford, Brewer, Davidson (Wayne), Davis and Mr. Speaker McWherter — 5.

Mr. Wallace moved the previous question, which motion prevailed by the following vote:

Ayes.....	69
Noes.....	4
Present and not voting	5

Representatives voting aye were: Atchley, Bell, Bewley, Blackburn, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Shelby), Murray (Franklin), Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Starnes, Steinhauer, Turner, Watson, Webb, Williams, Withers, Wolfe, Wood and Yelton — 69.

Representatives voting no were: Byrd, Spence, Tanner and Wallace — 4.

Representatives present and not voting were: Ashford, Brewer, DeBerry, Work and Mr. Speaker McWherter — 5.

Thereupon, the motion to adopt the Majority Conference Committee Report on Senate Bill No. 1179 failed by the following vote:

Ayes.....	44
Noes.....	27
Present and not voting	4

Representatives voting aye were: Bell, Bewley, Blackburn, Brewer, Burleson, Bussart, Carter, Darnell, Davidson (Wayne), DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Hillis, Hood, Hurley, Jensen, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Phillips, Pickering, Robertson, Robinson (Davidson), Robinson (Hamilton), Shockley, Smith, Stafford, Stallings, Starnes, Steinhauer, Watson, Webb, Williams, Wolfe, Wood and Yelton — 44.

Representatives voting no were: Atchley, Buck, Burks, Burnett (Fentress), Burnett (Sumner), Butler, Byrd, Cawood, Chiles, Ford (Shelby), Fuqua, Gaia, Gill, Johnson, Lashlee, Murphy (Shelby), Murray (Franklin), Rhinehart, Richards, Richardson, Robinson (Washington), Scruggs, Tanner, Turner, Wallace, Work and Mr. Speaker McWherter — 27.

Representatives present and not voting were: Ashford, Cobb, Davis and Kernell — 4.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

694 — To amend Workmen's Compensation Law.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators Boner, Blank and Ortwein to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 694.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murphy (Shelby) moved that the Speaker appoint a Conference Committee to confer with the Senate Conference Committee in resolving the differences of the two bodies on Senate Bill No. 694.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Murray (Franklin), McKinney and Carter as the House Conference Committee on Senate Bill No. 694.

Mr. Fisher moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 289, which motion prevailed.

Senate Joint Resolution No. 289 — Relative to memory, Judge Murrell W. Snell.

On motion of Mr. Fisher, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 356, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Murphy (Davidson), House Bill No. 356 was returned to the Senate as requested.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

356 — To enact the Sexual Offenses Law.

The Senate reconsidered action in passing the bill, adopted Senate Amendment No. 5, then repassed the bill on third and final reading, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 356 — To enact the Sexual Offenses Law.

SENATE AMENDMENT NO. 5

Amend House Bill No. 356 by inserting the following new section to immediately follow the original Section 6:

Nothing in this act shall be construed to expressly or impliedly repeal the provisions of Tennessee Code Annotated, Section 40-2445.

Mr. Murphy (Davidson) moved that the House concur in Senate Amendment No. 5, which motion prevailed by the following vote:

Ayes.....	74
Noes.....	0

Representatives voting aye were: Ashford, Bell, Bewley, Blackburn, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Fisher, Ford (Cocke), Ford (Shelby), Gaia, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lashlee, Ledford, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work and Mr. Speaker McWherter — 74.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Present	89
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Representatives present were: Ashford, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 89.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

1780 — To create Tennessee Center for Real Estate Research.

The Senate nonconcurred in House Amendment No. 1 and concurred in House Amendments Nos. 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 27, 1978 — 87TH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of Senate Bill No. 1780, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Davis, Senate Bill No. 1780 was returned to the Senate as requested.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 203 — Relative to censuring Judge Charles Galbreath — By Small.

Under the rules, the resolution lies over.

House Joint Resolution No. 576 — Relative to directing the Tennessee National Guard to cancel plans — By Stafford and Henry.

The Speaker referred House Joint Resolution No. 576 to the Committee on State and Local Government.

House Joint Resolution No. 588 — Relative to requesting the Tennessee National Guard to cancel plans — By Stafford and Henry.

Under the rules, the resolution lies over.

House Joint Resolution No. 589 — Relative to declaring legislative intent of committee amendment 1, House Bill 2338 — By Murphy (Davidson).

Under the rules, the resolution lies over.

House Joint Resolution No. 594 — Relative to adjournment sine die Ninetieth General Assembly — By Burnett (Fentress).

Under the rules, the resolution lies over.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2625; and House Joint Resolutions Nos. 591, 593 and 595 and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 582 — Relative to honoring Representative Tom Jensen;

584 — Relative to congratulating Mt. Nebo Baptist Church;

586 — Relative to commending Dr. Fredrick S. Humphries;

587 — Relative to commending Big Blue Club, Inc.;

595 — Relative to declaring legislative intent, House Bill 1668; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1613, 1645, 1742, and 2534, and Senate Joint Resolutions Nos. 159, 170, 187, 189, 259 and 274; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1613, 1645, 1742 and 2534; and Senate Joint Resolutions Nos. 159, 170, 187, 189, 259 and 274.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1323, 1668 and 2597; House Resolutions Nos. 196 and 197; and House Joint Resolutions Nos. 464, 538, 541, 548, 550, 554, 572, 573 and 581; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1567, 1851, 2101, 2148, 2437 and 2600; and House Joint Resolutions Nos. 311, 404, 562, 563, 566, 568, 569 and 578; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 2009, 2145, 2528, 2619 and 2620; and House Joint Resolutions Nos. 558, 559, 560 and 585; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1323, 1567, 1668, 1851, 2009, 2101, 2145, 2148, 2437, 2528, 2597, 2600, 2619 and 2620; House Resolutions Nos. 196 and 197; House Joint Resolutions Nos. 311, 404, 464, 538, 541, 548, 550, 554, 558, 559, 560, 562, 563, 566, 568, 569, 572, 573, 578, 581 and 585.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 32, 356, 743, 1299, 1702, 2582, 2607, 2610; House Resolutions Nos. 189, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218; and House Joint Resolutions Nos. 465, 556, 561, 582, 583, 584, 587, 590 and 595; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 614, 2549, 2601, 2608; House Resolutions Nos. 184, 191, 192, 194, 195, 198, 199, 200 and 201; and House Joint Resolutions Nos. 564, 570, 580 and 586; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 2097, 2184, 2609, 2611, 2612, 2614, 2616, 2617, 2618 and 2623; House Resolutions Nos. 186, 187, 188, 190, 202, 204, 205, 206 and 207; and House Joint Resolutions Nos. 352, 389, 565 and 592; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 32, 356, 614, 743, 1299, 1702, 2097, 2184, 2549, 2582, 2601, 2607, 2608, 2609, 2610, 2611, 2612, 2614, 2616, 2617, 2618 and 2623; House Joint Resolutions Nos. 352, 389, 465, 556, 561, 564, 565, 570, 580, 582, 583, 584, 586, 587, 590, 592 and 595; and House Resolutions Nos. 184, 186, 187, 188, 189, 190, 191, 192, 194, 195, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217 and 218.

LOCAL HOUSE BILL ON THIRD READING

House Bill No. 2603 — To provide for non partisan elections, county officials, Rhea County.

On motion, House Bill No. 2603 was made to conform with Senate Bill No. 2549.

On motion, Senate Bill No. 2549, on same subject, was substituted for House Bill No. 2603.

Thereupon, Senate Bill No. 2549 passed its third and final reading by the following vote:

Ayes.....	88
Noes.....	1
Present and not voting	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88.

Representative voting no was: Murray (Franklin) — 1.

Representative present and not voting was: Brewer — 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 2184 and 2610; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SELECT COMMITTEE APPOINTMENTS

The Speaker announced that he had appointed the following committee to notify the Senate that the House had completed its business for this session and was ready to adjourn sine die: Ms. Gaia, Chairman; Messrs. Phillips, Lashlee, Hood, Jensen and Stafford.

The Speaker announced that he had appointed the following committee to notify the Governor that the House had completed its business for this session and was ready to adjourn sine die: Ms. DeBerry, Chairman; Messrs. Williams, Atchley, Webb, Fleming, Yelton, Johnson and Fuqua.

REPORTS OF SELECT COMMITTEES

Ms. Gaia advised the House that the Senate had been notified that the House had completed its business for this session and was ready to adjourn sine die.

Ms. DeBerry advised the House that the Governor had been notified that the House had completed its business for this session and was ready to adjourn sine die, and that the Governor stated that he had no further communications to transmit to the House.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed by the Senate to notify the House that the Senate has completed its business and is ready to adjourn in accordance with House Joint Resolution No. 585.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ARTICLE III, SECTION 18

CONSTITUTION OF TENNESSEE

All bills and joint resolutions presented to the Governor subsequent to April 17, 1978, being within ten days of the adjournment of the Second Regular Session of the Ninetieth General Assembly, prevents the return of said bills and joint resolutions to the House within the ten day period, and accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's veto power, of the Constitution of Tennessee.

MOTION

On motion of Mr. Burnett (Fentress), the Journal of the House of Representatives and the proceedings thereof were approved from the Forty-Fourth through the Eighty-Seventh Day of the Second Regular Session.

Thereupon, Mr. Speaker McWherter declared the House of Representatives of the Ninetieth General Assembly adjourned sine die in accordance with House Joint Resolution No. 585.

BILLS AND RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED TO GOVERNOR SUBSEQUENT TO ADJOURNMENT SINE DIE

APRIL 28, 1978

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 2184 and 2610; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MAY 4, 1978

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 32, 356, 614, 743, 1299, 1323, 1567, 1668, 1702, 1851, 2009, 2097, 2101, 2145, 2148, 2437, 2528, 2549, 2582, 2597, 2600, 2601, 2607, 2608, 2609, 2611, 2612, 2614, 2616, 2617, 2618, 2619, 2620 and 2623; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MAY 4, 1978

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution Nos. 311, 352, 389, 404, 464, 465, 538, 541, 548, 550, 554, 556, 558, 559, 560, 561, 562, 563, 564, 565, 566, 568, 569, 570, 572, 573, 578, 580, 581, 582, 583, 584, 585, 586, 587, 590, 592 and 595; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MAY 4, 1978

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 32, 356, 614, 743, 1299, 1323, 1567, 1668, 1702, 1851, 2009, 2097, 2101, 2145, 2148, 2437, 2528, 2549, 2582, 2597, 2600, 2601, 2607, 2608, 2609, 2611, 2612, 2614, 2616, 2617, 2618, 2619, 2620, and 2623; and House Joint Resolutions Nos. 311, 352, 389, 404, 464, 465, 538, 541, 548, 550, 554, 556, 558, 559, 560, 561, 562, 563, 564, 565, 566, 568, 569, 570, 572, 573, 578, 580, 581, 582, 583, 584, 585, 586, 587, 590, 592 and 595; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

THURSDAY, APRIL 27, 1978 — 87TH LEGISLATIVE DAY

MAY 4, 1978

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1350, 1587, 1680, 1780, 2200, 2502, 2513, 2529, 2539, 2540, 2546, 2549, 2558, 2561 and 2563; also, Senate Joint Resolutions Nos. 250, 272, 282, 283, 284, 285, 286, 288 and 289; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MAY 5, 1978

SIGNED

The Speaker signed the following: Senate Bills Nos. 1350, 1587, 1680, 1780, 2200, 2502, 2513, 2529, 2539, 2540, 2546, 2549, 2558, 2561 and 2563; Senate Joint Resolutions Nos. 250, 272, 282, 283, 284, 285, 286, 288 and 289.

NED R. McWHERTER, Speaker
House of Representatives

ATTEST:

DAVID H. WELLES
Acting Chief Clerk
House of Representatives

Appendix of House Bills and House Joint Resolutions presented to the Governor with his action thereon as recorded in the Office of the Secretary of State, in accordance with Article III, Section 18 of the Constitution of the State of Tennessee.

MESSAGES FROM GOVERNOR TO SECRETARY OF STATE

MAY 8, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Bills Nos. 2133, 2184, 2381, 2394, 2588, and 2610, and House Joint Resolutions Nos. 327 and 567, with his approval.

EDDIE SISK,
Counsel to the Governor.

MAY 9, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Bills Nos. 2145, 2148, 2528, 2549, 2597, 2600, 2601, 2608, 2611, 2612, 2616, 2617, 2618, 2619, 2620, and 2623, and House Joint Resolution Nos. 311, 352, 389, 404, 464, 465, 538, 541, 548, 550, 554, 556, 558, 559, 560,

THURSDAY, APRIL 27, 1978 — 87TH LEGISLATIVE DAY

561, 562, 563, 564, 565, 566, 568, 569, 570, 572, 573, 578, 580, 581, 582, 583, 584, 585, 586, 587, 590, and 592, with his approval.

EDDIE SISK,
Counsel to the Governor.

MAY 9, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Bill No. 2582, with his approval.

EDDIE SISK,
Counsel to the Governor.

MAY 11, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Bills Nos. 1299, 1567, 1702, 1851, 2009, 2437, and 2609, with his approval.

EDDIE SISK,
Counsel to the Governor.

MAY 12, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Bills Nos. 32, 356, 614, 743, 1323, 2097, 2101, 2607 and 2614, with his approval.

EDDIE SISK,
Counsel to the Governor.

MAY 12, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Bill No. 1668, with his approval.

EDDIE SISK,
Counsel to the Governor.

MAY 15, 1978

MR. SECRETARY OF STATE:

I am directed by the Governor to transmit herewith: House Joint Resolution No. 595, with his approval.

EDDIE SISK,
Counsel to the Governor.